

REMARKS

By this Amendment claims 4, 6, 8 and 11 have been amended. Accordingly, claims 1-11 are pending in the present application.

Applicants wish to thank the Examiner for the indication of allowable subject matter in claims 2-11. Applicants respectfully submit, however, that claim 1 also patentably distinguishes over the art of record as will be described in further detail below.

Claims 4, 6, 8 and 11 stand rejected under 35 USC § 112, second paragraph. In response, each of claims 4, 6, 8 and 11 have been amended so as to be in full compliance with all §112 requirements. The amendments to these claims are not made to define over the art of record, nor do these amendments narrow the scope of these claims from those originally filed. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 1 stands rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 6,472,955 to Saito et al. This rejection, however, is improper.

Effective November 29, 1999, 35 USC § 103(c) provides that subject matter developed by another which qualifies as prior art only under one or more of subsections 35 USC § 102(e), (f) and (g) is not to be considered when determining whether an invention sought to be patented is obvious under §103, provided the subject matter and the claimed invention were commonly owned at the time the invention was made or subject to an obligation of assignment to the same person.

The present application is assigned to the Murata Manufacturing Co., Ltd. and has been accorded a filing date of June 5, 2002. Saito et al. is a patent which is assigned to the Murata Manufacturing Co., Ltd. and lists different inventors than that of the present application. Saito et al. has a filing date of March 28, 2001 and an issue date of October 29, 2002.

Both the present application and Saito et al. were subject to an obligation of assignment to the Murata Manufacturing Co., Ltd. at the time the invention of the present application was made.

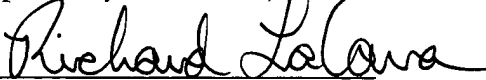
Thus, Saito et al. is a §102(e) reference which can not be considered by the Examiner in determining obviousness of the present application under §103. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

In addition, Applicants had submitted an Information Disclosure Statement on March 8, 2002, along with the filing of the present application. To date, Applicants have yet to receive an indication that the references listed in the March 8, 2002 Information Disclosure Statement have been considered by the Examiner against the pending claims. Accordingly, Applicants respectfully request that the Examiner consider the references listed in the March 8, 2002 Information Disclosure Statement and return an initialed copy of the PTO 1449 form with the next communication on this application. For the Examiner's convenience, a copy of the March 8, 2002 Information Disclosure Statement is enclosed.

In view of the foregoing, favorable consideration of the amendments to claims 4, 6, 8 and 11, and allowance of the present application with claims 1-11 is respectfully and earnestly solicited.

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Respectfully submitted,

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